

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yingwei Claire Cui et al. Art Unit : 3622
Serial No. : 10/649,585 Examiner : Arthur D. Duran
Filed : August 27, 2003 Conf. No. : 4994

Title : CONTENT-TARGETED ADVERTISING USING COLLECTED USER
BEHAVIOR DATA

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, the following is the Appellant's response to the Examiner's Answer of May 13, 2011 ("Examiner's Answer").

I. Appellant's Response To Examiner's Response To Arguments

The Examiner's Answer asserts that modifying targeting information to obtain improved advertisement performance meets the limitation of "modifying ... the initial advertisement performance information for an advertisement using the concept performance information for an identified concept corresponding to the advertisement." However, for the reasons set forth below, this assertion is incorrect.

At page 13 of the Examiner's Answer, the Examiner asserts "measuring ad successes or ad performance" relative to "an initial ad performance measure or an ad control group" (Examiner's Answer at 13) discloses "**modifying ... the initial advertisement performance information** for an advertisement using the **concept performance information** for an identified concept corresponding to the advertisement," as recited by claim 109.

Appellant first notes that according to claim 109 "the advertisement performance information for each advertisement specif[ies] a measure of performance computed based on previous **presentations of the advertisement.**" Also according to claim 109, the initial advertisement performance information is modified using "concept performance information representing an aggregate performance of advertisements that were **presented with the document,**" for which advertisements were identified as available for presentation. Thus, a document-specific aggregate performance is used to modify an advertisement-specific measure of performance.

At page 13-14 of the Examiner's Answer, the Examiner states:

Hence, Gerace discloses measuring ad successes or ad performance.
Gerace further discloses an initial ad performance measure or an ad control group:

"To ensure that sponsors achieve the optimal result from the ads they place, program 31 combines regression analysis with the above weighting technique to achieve real-time, automatic optimization as discussed previously. Under this auto-targeting system, an ad package is shown to general users. After a large number (e.g., 10,000) hits, program 31 runs a regression on a subject Ad Package Object 33b to see what characteristics are important, and who (type of user profile) the ad appeals to most. Program 31 then automatically enters weighting information based on that regression to create a targeted system and runs the advertisement (Ad Package Object 33b) again in front of this new targeted group. Program 31 then runs a regression every 10,000 hits, for example, including a group of 500 general people as a control, and adjusts the weighting.

This continues until the Ad Package is exhausted (i.e., the number of hits and click throughs are achieved). (18:10-26)

The program 31 then generates a report using this data and uses standard statistical regression techniques to find correlation between success and different demographic and/or usage information, and reports those as well. For example, a report comprises several defined elements, including overall success of the advertisement, breakdown by requested demographic elements, comparison of target market with control group, number of click through requested versus number achieved to date, as well as the time remaining in an advertisement. Finally, program 31 completes a regression analysis using data stored in Ad Package Objects 33b and User Objects 37, and suggests other demographic groups which a sponsor might want to consider for a subsequent ad.” (18:60-19:6).

Note in Gerace that there is an initial group or a control group. This functions as the Appellant's initial ad performance. Then, Gerace compares the initial or control group ad performance to the targeted ad group performance. (emphasis supplied).

The Examiner appears to be asserting that comparing “initial or control group ad performance to the targeted ad group performance” discloses the claimed modifying operation. However, comparing newly acquired targeted ad group performance to advertisement performance of a control group is not the same as, and does not suggest, “modifying ... the initial advertisement performance information,” as recited by claim 109. For example, comparing two values does not require that either of the values be modified, and Gerace is silent with respect to modifying advertisement performance for either the control group or the targeted ad group. Rather, as noted by the Examiner at page 15 of the Examiner's Answer, in Gerace “**targeting characteristics are modified** or improved in order to get better ad success performance.”

The Examiner asserts that modification of the targeting characteristics is performed “in order to get better ad success performance.” Examiner's Answer at 15. However, “better ad success performance” that might result from modifying targeting characteristics is not a modification of “the initial advertisement performance ... using the concept performance information,” as recited by claim 109. For example, according to claim 9, the initial advertisement performance information that is modified according to claim 109 is the same initial advertisement performance information that was received for the advertisements that were

identified as being “available for presentation with a document,” as indicated by reciting “modifying ... **the** initial advertisement performance information” in claim 109. Thus, according to claim 109, a same “measure of performance” that was received is then being modified. In contrast, according to the Examiner’s Answer Gerace compares two ad performance values to determine whether changes to the targeting criteria resulted in improved ad performance (e.g., using a new set of “hits”). In summary, obtaining improved performance of an advertisement after changing targeting information is not modifying “**initial** advertising performance information **specifying a measure of performance computed based on previous presentations of the advertisement.**”

To further illustrate distinctions of claim 109, based on assertions in the Examiner’s Answer, the control group of Gerace may have an ad performance of value X, while the targeted ad group may have an ad performance of value Y. According to the Examiner, Gerace can compare the value X to the value Y to determine whether Y is greater than X. However, Gerace is silent with respect to modifying the values X or Y once they have been received. According to claim 109, if the initial advertisement performance information that is received has a value Z, it is that value Z that is then modified using the concept performance information, which may have a value A, to obtain a modified initial advertisement performance information, Z’. Gerace fails to teach such a modification.

For these reasons, and the reasons stated in the Appeal Brief, Appellant submits that the final rejection should be reversed.

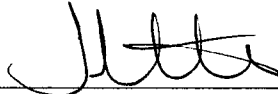
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Respectfully submitted,

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